



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,507	06/19/2001	Jeffrey A. Bedell	53470.003040	S695

7590

04/05/2004

Brian M. Buroker
Hunton & Williams
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109

EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 04/05/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/883,507

Applicant(s)

BEDELL ET AL.

Examiner

Haythim J. Alaubaidi

Art Unit

2171

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 and 5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a first Office Action in response to Application No. 09/883,507 filed on June 19, 2001.
2. Claims 1-23 are presented for examination.
3. Claims 7, 14, 20 and 23, are rejected under 35 U.S.C. 112, second paragraph.
4. Claims 1, 8 and 21 are rejected under 35 U.S.C. 101.
5. Claims 1, 3-5, 8, 10-12, 15, 17-18 and 21, are rejected under 35 U.S.C. 102(e).
6. Claims 2, 6-7, 9, 13-14, 16, 19-20 and 22-23 rejected under 35 U.S.C. 103(a).

Specification

7. The Abstract is objected to because of the following informalities:

On line 1, of the Abstract, Page 69, the "An reporting system" should be "A reporting system".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 7, 14, 20 and 23, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The Applicant failed to indicate the destination format of the resolution object.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1, 8 and 21 are rejected under 35 U.S.C. 101 because none of the independent claims in conjunction with all dependent claims are statutory. These claims states abstract ideas rather than concrete embodiments, such as a computer system.

- Independent Claim 1, is claiming a reporting system which could be done manually.

- Independent Claim 8, is claiming a method for processing a report, which can be a manual process, and not through the use of a computer.

- Independent Claim 21, is claiming a resolution for use as part of a reporting system, which could be a verbal answer to a question.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

13. Claims 1, 3-5, 8, 10-12, 15, 17-18 and 21, are rejected under 35 U.S.C. 102(e) as being anticipated by Kevin M. Ruppelt (U.S. Patent No. 6,571,236 and Ruppelt hereinafter).

Regarding Claims 1 and 21, Ruppelt discloses:

a prompt object comprising a question to be asked (Figure 3, Elements 302, 304 and 306 and corresponding text) and at least one validation property¹ (Figure 3, Elements 308, 310 and 312 and corresponding text)

a resolution object for collecting an answer to a question (Col 3, Lines 17-20, i.e. solution recommendation database; see also Col 3, Lines 23-25, i.e. case based reasoning tool)

wherein the resolution object is created and stored prior to the execution of a report (Col 2, Lines 57-67; see also Col 3, Lines 12-15; see also Col 3, Lines 16-32; see also Col 4, Lines 25-30).

Regarding Claims 3, 10 and 17, Ruppelt discloses wherein the stored resolution object is used to answer a prompt during the execution of a report (Col 4, Lines 39-50).

Regarding Claims 4 and 11, Ruppelt discloses wherein an answer from a stored resolution object is used to modify a default answer (Col 3, Lines 35-52²).

Regarding Claim 5, 12 and 18, Ruppelt discloses wherein the resolution object causes the suppression of a prompt (Col 4, Lines 50-52).

Regarding Claims 8 and 15, the limitations of these claims are similar in scope to the rejected claim 1, above. In addition Ruppelt discloses template with one or more

¹ Please note that the Examiner is interpreting the "validation property" to be as similar as any or all of the element of 308, 310 and 312 of figure 3; this is according to the specification of the current application, see Page 3, Lines 10-13 of the current application. The mentioned elements are showing certain answers to a particular question (these answers are valid for these questions).

Art Unit: 2171

template properties (Col 3, Line 62 through Col 4, Line 7, i.e. thus, there may be case based reasoning tool tailored to handle dishwashers in general or leaky dishwashers in particular).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 6-7, 9, 13-14, 16, 19-20 and 22-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kevin M. Ruppelt (U.S. Patent No. 6,571,236 and Ruppelt hereinafter).

Regarding Claims 2, 9, 16 and 22, Ruppelt reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the third party creating the resolution object.

Given the intended broad application of the Ruppelt system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ruppelt, by allowing a third party to create the resolution object in order to maximize the flexibility and the usability of the system by allowing

² The answer is being modified according to the threshold, either the resolution documents will be provided or the case based reasoning tool will be provided, these are two different answers that one of them will be modified.

Art Unit: 2171

professional experts to provide the answers for the questions, also another good reason would be attaching the current Applicants invention to an already functional knowledge base or expert system that contain the answers to particular question or subject, as these systems already contain answers to problems or questions from previous cases that can be very useful for covering a broader aspect of any question or query relating to any subject.

Regarding Claims 6, 13 and 19, Ruppelt reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate scheduling the report to run in a future time.

However, given the intended broad application of the Ruppelt system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ruppelt to schedule a future run time, and the reason would be to make sure that the user is following the maintenance procedures, especially the future maintenance to the product, another reason would be to use this feature (the future run time of a report) as a reminder to the user (owner of the appliance).

Regarding Claims 7, 14, 20 and 23, Ruppelt reference discloses all of the claimed subject matter set forth above, including running queries from remote terminals and submitting them through a network (the Internet for example) using an interface

Art Unit: 2171

(see Figure 1; also see Col 2, Lines 24-67), except the reference does not explicitly indicate converting the resolution object from the XML format to another format.

However, converting formats are well known in the art, especially with the user of interfaces and networks such as the Internet (see Col 2, Lines 65-67)³.

Other Prior Art Made of Record

16. a. Mitchell et al. (U.S. Patent No. 6,684,188) discloses a method for production of medical records and other technical documents; and

b. Brown et al. (U.S. Patent No. 6,665,666) discloses a system, method and program product for answering questions using a search engine.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

³ Presenting the solution recommendation in a JAVA enhanced HTML document format (Col 2, Lines 66-67) is a good example for the conversion of formats; as this information is stored in the database in a different format than the JAVA format, yet it is being presented in a JAVA format.

Points of Contact

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

Patent Examiner
Technology Center 2100
April 1, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100